

ARGUMENTS/REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Claims 1-10 are pending. Claim 8 is amended, and claims 9 and 10 are added.

Claims 1-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Juergen in view of Wipasuramonton et al. This rejection is respectfully traversed.

It is not obvious to modify Juergen in view of Wipasuramonton et al. to provide an upper body protection device claimed in claims 1 and 8. There is no suggestion or motivation to a person having ordinary skill in the art to modify the reference or to combine teachings of Juergen and Wipasuramonton et al. A person skilled in the art would not use the teachings of the Wipasuramonton et al. reference, because the air bag of Wipasuramonton et al. is specifically designed for the head of the occupant rather than the upper body, which takes into account the special physique of the human thorax. The design criteria are much different for the upper body than that for the head. In this respect, Wiparsuramonton et al. actually teaches away from away from combining the teachings of the head air bag of Juergen with the upper body air bag of Wiparsuramonton et al. Therefore, in view of the above-mentioned reasons, claim 1 is allowable. Claims 2, 3, and 5-7 depend from claim 1 and are therefore allowable as depending from an allowable claim and for the specific features recited therein.

Claim 4, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the inflatable chamber is oval in said inflated state, and a main direction of extent thereof is substantially parallel to said back rest. Neither Juergen nor Wipasuramonton et al. either alone or in combination disclose or suggest that the inflatable chamber is oval in said inflated shaped. By contrast, Juergen discloses a gas bag having a tubular U-shaped form with upper and lower chambers 2, 3 with a central region in-between. Wipasuramonton et al. discloses an air bag which has a narrow elongate neck portion 190 and a wide body portion.

Further, Wipasuramonton et al. does not disclose that the main direction of extent of the air bag, i.e. its direction with the greatest expanse, is substantially parallel to the back rest. By contrast, when the seatback is reclined at an angle of 25° the main direction of extent of the air bag deploys in a forward direction with the first axis 142 extending at (a) an angle  $\alpha$  of 65° upward from the horizontal and at (b) an angle  $\beta$  of 3° outward of the front-to back axis 36, and the second axis extending at an angle from about 30° to 70° to the first axis 142 (Col. 5, lines 38-44 and Col. 4, lines 9-10). Thus, in view of the above-mentioned reasons, claim 4 is allowable.

Also, claim 8 should be allowed for the additional features amended therein. In particular, claim 8 is amended to recite that the inflatable chamber is closed peripherally to form a ring shape and that the inflatable chamber is oval

in the inflated state with a main direction of extent of the chamber being substantially parallel to the back rest.

Neither Juergen nor Wipasuramonton et al. disclose or suggest either alone or in combination that the inflatable chamber is closed peripherally to form a ring shape and that the inflatable chamber is oval in the inflated state with a main direction of extent of the chamber being substantially parallel to the back rest. By contrast, Juergen discloses a gas bag having a tubular U-shaped form with upper and lower chambers 2, 3 with a central region in-between.

Wipasuramonton et al. discloses an air bag which has a narrow elongate neck portion 190 and a wide body portion.

Further, Wipasuramonton et al. does not disclose that the main direction of extent of the air bag, i.e. its direction with the greatest expanse, is substantially parallel to the back rest. By contrast, when the seatback is reclined at an angle of 25° the main direction of extent of the air bag deploys in a forward direction with the first axis 142 extending at (a) an angle  $\alpha$  of 65° upward from the horizontal and at (b) an angle  $\beta$  of 3° outward of the front-to back axis 36, and the second axis extending at an angle from about 30° to 70° to the first axis 142 (Col. 5, lines 38-44 and Col. 4, lines 9-10). Thus, claim 8 is allowable.

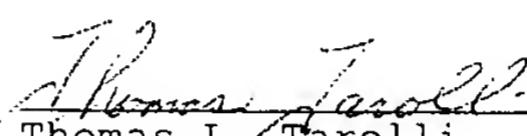
New claim 9 recites an upper body side protection device for an occupant of a vehicle which is equipped with a vehicle seat including a seat surface and a back rest. The protection device comprises a side gas bag extending to the side of the upper body. The side gas bag has a ring-shaped inflatable

chamber which extends from the seat surface at the side of the upper body to at least close to an upper edge of the back rest and surrounds a central region of said gas bag. The central region in an inflated state of the gas bag has a smaller thickness than the inflatable chamber, measured horizontally and transversely to a longitudinal direction of the vehicle. The inflatable chamber is closed peripherally to form a ring shape. The inflatable chamber is oval in the inflated state and a main direction of extent of the chamber is substantially parallel to the back rest. None of the prior art either alone or in combination disclose or suggest all of the claim features of claim 9. Therefore, claim 9 is allowable.

New claim 10, which depends from claim 9, should be allowed for the same reasons as claim 8 and also for the additional feature that the upper body has a plurality of ribs and the central region covers the ribs. None of the prior art disclose or suggest this feature and including all of the limitations of claim 9. Therefore, claim 10 is allowable.

In view of the foregoing, it is respectfully requested  
that the amendment be entered and the application allowed.  
Please charge any deficiency or credit any overpayment in the  
fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

  
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